

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERRIS EDGERLY,

No. C 03-02169 WHA

Plaintiff,

v.

**ORDER REGARDING PROCESS
FOR DETERMINING THE
AMOUNT OF SANCTIONS TO BE
AWARDED**

CITY AND COUNTY OF SAN FRANCISCO,
DAVID GOFF, JOHN CONEFREY,
FREDERICK SCHIFF, AND DOES 1 TO 20,

Defendants.

The Court had been under the impression that agreement reached between the parties, as described in the letter dated January 28, 2005, reflected the *total* amount of attorney's fees and costs to be awarded, a portion of which was to be paid by plaintiff's attorney if Schiff's motions for sanctions were granted. Schiff's attorney now represents that there is no overlap between some of the projects described in his declaration and the fees already awarded (Kelley Supp. Decl. 2/3/05 at ¶ 4). In addition, the portion of the amount already awarded to be paid by plaintiff's attorney in lieu of plaintiff may be disputed.

To resolve these issues, the parties are ordered to follow the guidelines regarding resolution of the amount to be awarded, which were set forth in greater detail in the order of December 9, 2004. As the declaration by Schiff's counsel was filed on **FEBRUARY 3, 2005**, the remaining deadlines will be as follows:

- Any opposition by plaintiff must be filed and served by **FEBRUARY 17, 2005**.

- 1 • With the benefit of both sides' filings, representatives of the parties with final decision
2 authority shall meet *in person* and confer to try to resolve all differences as to the
3 amount. If an agreement is reached, the parties are requested to so advise the Court and
4 submit a new proposed amended judgment accordingly. If no agreement is reached, the
5 moving party must file and serve a declaration showing full compliance with this
6 paragraph, explaining when, where and who met, their decision authority, how long they
7 met, what documents were reviewed together, and the principal points of disagreement.
8 This must be done by **MARCH 3, 2005**.
- 9 • If no agreement is reached, a special master shall be appointed. If the parties cannot
10 agree on a special master, then the Court shall select a special master. The parties must
11 so advise the Court by **MARCH 3, 2005**.

12
13 **IT IS SO ORDERED.**

14
15 Dated: February 4, 2005

/s/ WILLIAM ALSUP

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE